

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-16 will be pending. By this amendment, claim 10 has been amended; and claim 16 has been added. No new matter has been added.

Allowable Subject Matter

It is appreciatively noted that claims 1-9 and 12-15 are allowed.

§102 Rejection of Claims 10 and 11

In Section 3 of the Office Action, claims 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yuen *et al.* (U.S. Patent 5,488,409; hereinafter referred to as “Yuen”). Claim 10 has been amended to address the rejection.

The structure of data transmitting apparatus claim 10, as presented herein, includes:

“10. A data transmitting apparatus for transmitting data to a data receiving apparatus, comprising:

means for transmitting data containing an ID of a particular recording medium, the ID transmitted by broadcast,

wherein said particular recording medium is provided on the side of said data receiving apparatus.”

(emphasis added)

Accordingly, in one aspect of claim 10, the data transmitting apparatus includes: means for broadcasting data containing an ID of a particular recording medium, wherein said particular

recording medium is provided on the side of said data receiving apparatus.” This aspect is disclosed and illustrated in Figure 10, which shows a particular recording medium (100) provided on the side of the data receiving apparatus (1) rather than on the side of the data transmitting apparatus (11).

By contrast, Figures 1 and 9 of Yuen show an arrangement in which a recording medium (video tape 40 in a VCR system 10) is provided on the side of a data transmitting apparatus (VCR system 10), not on the side of a data receiving apparatus (external device 73).

Accordingly, Yuen fails to teach or suggest all the limitations of claim 10..

Based on the foregoing discussion, claim 10 should be allowable over Yuen. Since claim 11 depends from claim 10, claim 11 should also be allowable over Yuen.

Accordingly, it is submitted that the rejection of claims 10 and 11 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claim 16

Newly-added claim 16 includes a further limitation of “means for broadcasting data control information to start a game program residing on said particular recording medium.” This limitation is disclosed in the Specification as stating that “data control information [is broadcast] to start the game program, i.e., transmits data DT, via the antenna 14, at the certain date and time. ... In each of the video game apparatus 10, the game program starts being executed by the reception of the data control information (see Table 1) transmitted by the broadcast, specifically, by the reception of the designated disk number or ID of a recording medium.” *Specification, page 28, line 22 to page 29, line 2.*

Yuen merely discloses downloading “from the RAM 33 through a bus transfer to any or all of the plurality of external devices.” Therefore, newly-added claim 16 should be allowable over Yuen.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-16 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, were patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant’s representative at the telephone number written below.

PATENT
Appl. No. 09/388,781
Attorney Docket No. 450127-02160

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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